

OFFICIAL PROCEEDINGS MINNEAPOLIS CITY COUNCIL

REGULAR MEETING OF MARCH 7, 2013

(Published March 16, 2013, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
March 7, 2013 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Goodman, Hodges, Samuels, Reich, Hofstede, Gordon, Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, President Johnson.

Lilligren moved adoption of the agenda. Seconded.

Hodges moved to amend the agenda to include under "New Business" a motion relating to settlement in the matter of *Ted Haraguchi v. Kimberly Erickson and City of Minneapolis* and *Hennepin County v. City of Minneapolis*. Seconded.

Adopted upon a voice vote.

Lilligren's motion, as amended, was adopted upon a voice vote.

Absent – Reich, Hofstede.

Lilligren moved acceptance of the minutes of the regular meeting of February 22, 2013. Seconded.

Adopted upon a voice vote.

Absent – Reich, Hofstede.

Lilligren moved referral of petitions, communications, and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

Absent – Reich.

PETITIONS AND COMMUNICATIONS

COMMITTEE OF THE WHOLE:

MINNEAPOLIS PUBLIC SCHOOLS (276341)

2013 We Want You Back Program: Report on Public School's Drop Out Re-engagement Program.

NEIGHBORHOOD AND COMMUNITY RELATIONS (276342)

2012 Minneapolis Resident Survey: Report.

COMMITTEE OF THE WHOLE (See Rep):

CITY CLERK (276343)

2013 Minneapolis Board of Appeal and Equalization: Establish the 2013 Board and providing procedures and compensation; and Approve appointment of the following individuals to the 2013 Board for terms to expire April 10, 2013: Tad Marinac; Jimmy Fogel; Sandy Loescher; and Jeffrey Larson.

INTERGOVERNMENTAL RELATIONS (276344)

Violence Against Women Act: Approve amendment to City's 2013 Federal Legislative Agenda to include in the Policy Initiative section the re-authorization of the Violence Against Women Act and recommend that the legislation protect all women against domestic or sexual violence.

Prevailing Wage Requirements in Contracts on Local Government Projects: Approve amendment to City's 2013 State Legislative Agenda to add a bullet to the Municipal Governance: Minneapolis Supports; General Government section to provide for an individual right of action for violations of prevailing wage requirements in contracts on local government projects, similar to the cause of action authorized in state law for violations of the State prevailing wage statute.

ELECTIONS (See Rep):

CITY CLERK (276345)

Planning and Conduct of Municipal Elections in the City of Minneapolis:

- a) Refer the multi-year funding proposal (2014 to 2017) to the 2014 budget process.
- b) Staff to notify Hennepin County that the City will participate in the County's procurement process for new voting systems and equipment.
- c) Staff to request clarification from the Secretary of State on the potential impact of State-mandated certification requirements with respect to the processing and tabulation of Ranked Choice Voting ballots.
- d) Authorize the formation of a Polling Place Work Group.
- e) Staff to report back with final recommendations for the 2013 Municipal Election.
- f) Staff to present details and final recommendations for the planned 2013 Voter Outreach & Education Campaign.
- g) Staff to partner with appropriate language support providers to translate voting materials into alternate languages.
- h) Staff to update on a plan for targeting outreach resources to precincts with historically lower than average voter turnout, high percentages of communities of color, and that had a larger than average number of ballots that required normalization in 2009; and establish a plan for engaging with outside stakeholders in targeted outreach efforts.
- i) Staff to report back with a plan for engaging qualified experts to assist with data collection and analysis.
- j) Staff to draft amendments to the Code of Ordinances relating to rules of conduct for elections.

PUBLIC SAFETY, CIVIL RIGHTS & HEALTH (See Rep):

HEALTH DEPARTMENT (276346)

Minnesota Campus Compact: Annual site agreements for 2013-15 to continue as a host site for College Health Corps AmeriCorps VISTA volunteer to work in School Based Clinic program.

REGULATORY SERVICES (276347)

Dangerous Animals: Ordinances amending Title 4, Chapters 64 & 66, amending & adding provisions regarding declaration requirements for declared animals.

PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and WAYS & MEANS/BUDGET (See Rep):

ATTORNEY (276348)

Hennepin County Criminal Justice Coordinating Committee: Amendment to agreement with CJCC to extend term to 1/31/2016.

HEALTH DEPARTMENT (276349)

Robert Woods Johnson Foundation Award: Acceptance of award for Healthy Living Program.

POLICE DEPARTMENT (276350)

Jail Fees: Contract amendment with Hennepin County Sheriff for jail fees.

REGULATORY SERVICES (276351)

Animal Care & Control Donations: In-kind donations of dog & cat food & supplies.

REGULATORY, ENERGY AND ENVIRONMENT (See Rep):

COORDINATOR (276352)

Earth Hour 2013: Resolution of support.

LICENSES AND CONSUMER SERVICES (276353)

Licenses: Grant licenses recommended for approval.

LICENSES AND CONSUMER SERVICES (276354)

Travel Traders Hotel Stores, 1001 Marquette Ave: Approve License Settlement Conference recommendations relating to Tobacco Dealer License.

REGULATORY SERVICES (276355)

Rental Dwelling License at 3623 Queen Ave N: Reinstate license of Arshad Moghul.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (276356)

2012 Public Works Department High Performing Employee Awards: Annual winners.

Self-Managed Special Service Districts: Draft policy; Comments.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (276357)

Mississippi River Trail (USBR 45): Resolution of support.

Utility Agreement: Agreement between City and 1313 5TH STREET MN OWNER, LLC.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (276358)

31st St W, 35th St E, and 38th St W Street Resurfacing Projects: Project approval and assessment public hearing; Comments.

Cleaning and Lining of Cast Iron Water Mains: Contract amendment with Heitkamp, Inc.

The Interchange Project: Cooperative Funding Agreement with Hennepin County.

Northtown Rail Yard Bridge Replacement: RFP for engineering services and construction support.

Crushing Rubble Concrete and Rubble Asphalt: Amend contract with Intex Corporation.
Bids: a) OP 7754, Low bid of Cemstone Products Company for Ready Mix Concrete; and b) OP 7760, Low bid of Graymont (WI) LLC for quick lime.

WAYS AND MEANS BUDGET:

FINANCE DEPARTMENT (276359)

2014-2018 Capital Budget Process Information: Receive and file the 2013 CLIC schedule and capital guidelines and approve tax supported resource direction.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (276360)

Legal Settlement: Authorize settlement of Steven Meldahl v. City of Minneapolis (\$1.750).

Violence Against Women Act (VAWA) Stop Grant: Authorize grant agreement and acceptance of \$123,726 from the Minnesota Department of Public Safety Office of Justice Programs providing funding for two new domestic violence prevention related initiatives.

CITY CLERK (276361)

Statements of Economic Interest: Approve the list of City positions subject to SEI filing requirements.

CITY COUNCIL (276362)

Re-election of the City Clerk: Approve the re-election of Casey Joe Carl as City Clerk for a two year term through January 1, 2015.

COMMUNICATIONS (276363)

Utility Billing Insert: Approve April 2013 insert on behalf of the Community Planning & Economic Development Department and the Minnesota Homeownership Center providing information on foreclosure prevention help.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276364)

Environmental Remediation Grant Awards: Accept and approve grant award received by the MN Department of Employment and Economic Development (DEED) Contamination Cleanup and Investigation Grant Program, Metropolitan Council Livable Communities Tax Base Revitalization Account (TBRA) Grant Program and the Hennepin County Environmental Response Fund (ERF), for multiple projects.

Hi Lake Triangle Apartments (2230 E Lake St): Approve resolution supplementing Resolution 2012R-572 for the issuance, sale, and delivery of Series 2013 Multifamily Housing Entitlement Revenue Bonds.

Certified Local Government Grant: Accept federal CLG grant to revise the City's survey of historic resources.

CONVENTION CENTER (276365)

Bid: OP 7748, approve single bid of StageRight Corporation for seating risers for Target Center.

EXECUTIVE COMMITTEE (276366)

Police Commander Appointed Classification: Approve amendment to the recently established appointed classification of Police Commander to add additional clarifying language to the background information.

FINANCE DEPARTMENT (276367)

Bids:

OP 7743, accept low bid of BD Construction, LLC, for the MPD 4th Precinct Sanitary Sewer Repair.

OP 7746, accept low responsive bid of Terra General Contractors for the Phase III Pioneers and Soldiers Memorial Cemetery Project.

FINANCE DEPARTMENT (276368)

CLIC Appointments: Approve appointments to the Capital Long-Range Improvement Committee for terms running January 1, 2013 through December 31, 2014.

ZONING AND PLANNING (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276369)

Zoning Board of Adjustments Appointments: Approve appointments for terms through December 31, 2015.

NEW BUSINESS (See Rep):

ATTORNEY (276370)

Lawsuit: Approve settlement in the case of Ted Haraguchi v. Kimberly Erickson and City of Minneapolis and Hennepin County v. City of Minneapolis.

FILED:

24th MALL LLC (276371)

Vacate alley between 22nd St to 24th St from Elliot Ave S to 10th Ave S.

CHARTER COMMISSION (276372)

Commissioner Rice Proposal: Changing municipal election cycle to even-numbered years and cover letter submitting to City Council.

CHARTER COMMISSION (276373)

Parliamentary Law in Real-Life Meetings: Brian Melendez handout.

CHARTER COMMISSION (276374)

Proposed Charter Amendment to Increase in Municipal Filing Fees:

- a) Ordinance as amended by Charter Commission;
- b) Fact Sheets
- c) Commissioner Sandberg comments;
- d) Correspondence.

The following reports were signed by Mayor Rybak on March 12, 2013, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMITTEE OF THE WHOLE submitted the following reports:

Comm of the Whole/IGR - Your Committee recommends that the City's Fiscal Year 2013 Federal Legislative Agenda, adopted February 24, 2012, be amended by adding the following language in the Policy Initiatives Section:

Reauthorization of the Violence Against Women Act. The Violence Against Women Act (VAWA) was enacted by Congress in 1994 and reauthorized in 2000 and 2005. Although the

Act was not reauthorized in 2011 VAWA programs have received funding. VAWA has helped improve the criminal justice response to violence against women and ensures that victims and their families have access to the services that they need to achieve safety and rebuild their lives. The Senate has voted for the reauthorization of VAWA. The Senate bill which is authored by Senator Patrick Leahy (D-Vermont) and has 60 bipartisan sponsors would protect all victims of domestic and sexual violence, including American Indian women living on reservations, college students, and members of the LGBT community.

The House bill is sponsored by Rep. Gwen Moore (D-Wisc.) and has 153 cosponsors. A vote on the House bill has not been scheduled. It is probable that the Senate bill could be amended in the House to include a provision that could differ from the inclusive nature of the Senate bill.

The City of Minneapolis supports the reauthorization of the Violence Against Women Act to protect all women and communities against domestic or sexual violence and firmly opposes any amendments to SF 47.

Adopted.

Absent – Reich.

Comm of the Whole/IGR - Your Committee recommends that the City's agenda for the 2013 State Legislative Session, adopted December 14, 2012, be amended to include in the "Municipal Governance: Minneapolis Supports; General Government" section the following bullet:

- Providing for an individual right of action for violations of prevailing wage requirements in contracts on local government projects, similar to the cause of action authorized in state law for violations of the State prevailing wage statute.

Adopted.

Absent – Reich.

Comm of the Whole - Your Committee, having under consideration the 2013 Minneapolis Board of Appeal and Equalization, now recommends the following:

a) Passage of the accompanying resolution establishing the 2013 Minneapolis Board of Appeal and Equalization and providing procedures and compensation.

b) Approving the appointment of the following individuals to the 21013 Board for terms to be effective from April 8 to April 10, 2013:

Tad Marinac, 4939 18th Ave S, Appraiser position

Jimmy Fogel, 1783 Colfax Ave S, Realtor position

Sandy Loescher, 1835 Irving Ave N, Realtor position (backup)

Jeffrey Larson, 3519 Irving Ave S, Homeowner position.

Adopted.

Absent – Reich.

Resolution 2013R-090, establishing the 2013 Minneapolis Board of Appeal and Equalization and providing procedures and compensation, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-090
By Reich

Establishing the 2013 Minneapolis Board of Appeal and Equalization and providing procedures and compensation.

Whereas, Minnesota Statutes 1975, Section 274.01 (Subdivision 2), authorizes any city, including cities whose charters provide for a board of equalization to appoint a special board of review to which it may delegate all powers and duties specified in said Section 274.01, Subdivision 1; and

Whereas the City Council, pursuant to said law, has passed an ordinance creating a special board of review, The Minneapolis Board of Equalization, to which the City Council delegated all of the powers and duties specified in said Section 274.01, Subdivision 1 and has provided in said ordinance that the City Council shall by resolution provide for the number of persons to be appointed, the persons to be appointed, the amount of compensation to be paid, and the term of office;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

1. That three (3) or more persons be appointed to the Board of Equalization.
2. That the Board be composed of one or more committees of at least three (3) persons in each committee.
3. That the Board shall hold its first meeting on April 8, 2013 at the call of the City Clerk pursuant to Minnesota Statutes 1975, Section 274.01, Subdivision 1.
4. That the Board shall hold hearings of complaints of persons feeling aggrieved by an assessment.
5. That the committees of the Board shall include at least one appraiser, one realtor or other person familiar with property valuations in the City of Minneapolis, and one freeholder of the City of Minneapolis.
6. That the Board shall complete its hearings on or before April 20, 2013 and after these hearings the board shall fix the assessment to each property considered.
7. That the City Clerk shall return the assessment rolls at the first Council Meeting after April 20, 2013 to the City Council, who may confirm the same or return the same to the Board for further revisions to be again reported to the City Council.
8. That the Board shall adjourn after it has completed its function for 2013.
9. That each member shall be paid \$75 for each half-day he/she served as a member of the Board.

Adopted.

Absent – Reich.

The ELECTIONS Committee submitted the following report:

Elections – Your Committee, having received a report providing an update on initiatives aimed at improving administrative processes connected with the planning and conduct of municipal elections by the City of Minneapolis, now recommends the following:

- a) That the multi-year funding proposal covering fiscal years 2014 to 2017, as submitted by the City Clerk, be referred to the 2014 budget process for consideration.

b) Direct staff to notify Hennepin County that the City of Minneapolis will participate in the County's procurement process for new voting systems and equipment, pending approval by staff and policy makers of the selected vendor.

c) Direct staff to request clarification from the Secretary of State on the potential impact of State-mandated certification requirements with respect to the processing and tabulation of Ranked Choice Voting (RCV) ballots.

d) Authorize the formation of a Polling Place Work Group to participate in a comprehensive evaluation of the City's polling places and the development of a Polling Place Assessment Guide.

e) Direct staff to return to the Elections Committee in May 2013 with final recommendations for the Municipal Election, including whether or not the City should modify the number of precincts and/or polling places and other improvements that will enhance voter service.

f) Direct staff to present details and final recommendations in May 2013 for the planned 2013 Voter Outreach & Education Campaign.

g) Direct staff to partner with appropriate language support providers to translate voting materials into alternate (non-English) languages.

h) Direct staff to update on a plan for targeting outreach resources to precincts with historically lower than average voter turnout, high percentages of communities of color, and that had a larger than average number of ballots that required normalization in 2009. Further, direct staff to establish a plan for engaging with outside stakeholders in targeted outreach efforts, including reviewing models of engagement utilized in the 2010 Census participation efforts.

i) Direct staff to return to the Elections Committee with a plan for engaging qualified experts to assist with data collection and analysis, including a study and review of "voter errors" as defined in Minneapolis ordinance.

j) Direct staff to draft amendments to Title 8.5, Chapter 167 of the Minneapolis Code of Ordinances relating to *Elections: Municipal Elections: Rules of Conduct*, to be introduced by the March 29th City Council Meeting.

Adopted.

Absent – Reich.

The PUBLIC SAFETY, CIVIL RIGHTS & HEALTH Committee submitted the following reports:

PSC&H - Your Committee recommends that the proper City officers be authorized to enter into annual site agreements over the period of 2013-2015 with the Minnesota Campus Compact to continue as a host site for a College Health Corps AmeriCorps VISTA volunteer to work in the School Based Clinic program for two additional one year assignments, with anticipated expenses not to exceed \$15,000 over two years, payable from Fund/Org 01600-8600152.

Adopted.

PSC&H - Your Committee, to whom was referred ordinances amending Title 4 of the Minneapolis Code of Ordinances relating to *Animals and Fowl*, amending and adding provisions regarding declaration requirements for declared animals; appeal hearing procedures for declared animals; ordinance clarification; restriction period; fees; and eliminating midterm check, now recommends that said ordinances be given their second reading for amendment and passage:

- a) Chapter 64 relating to *Dogs, Cats, Ferrets, and Rabbits*; and
- b) Chapter 66 relating to *Rabies Control*.

Adopted.

Ordinance 2013-Or-032 amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits*, amending Section 64.110 and adding provisions regarding declaration requirements for dangerous and potentially dangerous declared animals; appeal hearing procedures for declared animals; ordinance clarification and restriction period and fees, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-032
By Samuels
Intro & 1st Reading: 12/14/2012
Ref to: PSC&H
2nd Reading: 3/7/2013

Amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits*.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 64.110 of the above-entitled ordinance be amended to read as follows:

64.110. Dangerous and potentially dangerous animals. Minneapolis Animal Care and Control is authorized to deem any animal as a dangerous animal or a potentially dangerous animal subject to the requirements under this Code and under Minnesota State Statute 347.50 subdivision (2), Dangerous Dogs and Minnesota State Statute 347.50 subdivision (3) potentially dangerous dogs. The owner or custodian of the animal must immediately comply with the confinement requirements as defined in this ordinance, even if appealing the declaration.

No off leash park permit as defined in section 64.55 shall be issued for any animal that has been declared potentially dangerous or dangerous under this Code or pursuant to state statute.

- (a) For the purposes of this chapter, a person is peaceably and lawfully upon the private property of an owner or custodian when he or she is on the property in the performance of any duty imposed upon him or her by the laws of this state or any city or county, or by the laws or postal regulations of the United States, or when he or she is on the property upon express or implied invitation.

- (b) Declarations shall be made by the Program Manager of Minneapolis Animal Care and Control, or the manager's designee, based on this Code and state statute. If a declaration is made, the owner of the animal shall be notified in writing. Notification shall include a copy of ordinance and statute, the report (including supplemental reports, if any) and a statement of the declaration.
- (c) The manager of animal care and control will consider the following factors in determining a dangerous or potentially dangerous animal declaration:
 - (1) Whether any injury or damage to a person or domestic animal by the accused animal was caused or contributed to by the actions of that person, including acts of physical abuse, tormenting, teasing or assault.
 - (2) Whether a person injured by the animal was committing a trespass or other tort upon the premises occupied by the owner or custodian of the animal, or whether the person injured by the animal was committing or attempting to commit a crime.
 - (3) Whether a person injured by the animal had gained uninvited and unauthorized entry onto fenced or indoor property of the owner or custodian of the animal. As used in this section, "unauthorized entry" does not include entry into a fenced residential front yard unless the yard is locked or posted to prohibit entry.
 - (4) Whether any injury or damage to a person by the animal was caused while the animal was protecting or defending a person or the animal's offspring within the immediate vicinity of the animal from an unjustified attack or assault.
 - (5) The size and strength of the animal (including jaw strength) and the animal's propensity to bite humans or other domestic animals.
- (d) *Potentially dangerous animal.* "Potentially dangerous animal" means any animal, except an animal assisting a peace officer engaged in law enforcement duties and/or animals trained by a recognized program within an established curriculum for training animals for services such as rescue and recovery, that demonstrates any of the following behavior:
 - (1) Any animal that engages in any unprovoked behavior that requires a defensive action by any person to prevent bodily harm when the person and the animal are on or off the property of the owner or custodian of the animal. "Bodily harm" means physical pain or injury, illness, or any impairment of physical condition.
 - (2) Any animal that, when unprovoked, bites a person on public or private property, causing a minor injury not resulting in muscle tears or disfiguring lacerations or requiring multiple sutures, or corrective or cosmetic surgery.

- (3) Any animal that, when unprovoked, bites, inflicts injury, or otherwise causes injury to a domestic animal off the property of the owner or custodian of the attacking animal.
 - (4) Any animal that, when unprovoked, engages in any behavior that constitutes a physical threat of bodily harm to a person or domestic animal or poses an immediate threat to public safety off the property of the owner or custodian of the animal.
 - (5) Any animal that has a known propensity, tendency or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals as documented by law enforcement or Minneapolis Animal Care and Control.
- (e) *Dangerous animal.* "Dangerous animal" means any animal, except an animal assisting a peace officer engaged in law enforcement duties and/or animals trained by a recognized program within an established curriculum for training animals for services such as rescue and recovery, that demonstrates any of the following behavior:
- (1) Any animal that, when unprovoked, inflicts substantial bodily harm on a human being who is conducting himself or herself peacefully and lawfully. "Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.
 - (2) Any animal previously designated as a potentially dangerous animal that, after the owner or custodian has been notified of such designation, exhibits any of the behaviors described in this subsection or subsection (d)~~(3)~~ of this section.
 - (3) Any animal previously designated as a potentially dangerous animal, after the owner or custodian has been notified of such designation, if the owner or custodian subsequently violates any requirement of this section.
 - (4) Any animal that kills or inflicts substantial bodily harm to another domestic animal without provocation while off or on the property of the owner or custodian of the attacking animal.
 - (5) Any animal, when unprovoked, that repeatedly attacks or attempts to attack a person or domestic animal on private or public property. For purposes of this provision, "repeatedly" shall mean more than one (1) unprovoked attack or attempted attack occurring during the course of either a single encounter or separate encounters.

- (6) The dog's owner or custodian is in possession of training apparatus, paraphernalia or drugs intended to be used to prepare or train dogs to be fought and the dog displays evidence that it has been or will be fought.

(f) *Appeal hearing procedures.*

~~(1) *Potentially dangerous animal.* Potentially dangerous declaration appeals shall consist of a record review by the manager of animal care and control, or the manager's designee, using the designated appeal form supplied by animal care and control at the time of the written request. The appeal form must be completed and returned to animal care and control with written evidence and/or affidavits that dispute the declaration within five (5) business days of notification. The owner of the animal shall be notified, in writing, of the record review results within ten (10) calendar days of receipt. There is a one hundred dollar (\$100.00) fee for an appeal of a potentially dangerous declaration. The individual conducting the review shall have authority to amend the declaration or order as appropriate and to establish specific requirements.~~

~~(2)~~ (1) *Potentially dangerous and dangerous Dangerous animal.* The owner or custodian of an animal that has been declared potentially dangerous or dangerous may appeal the declaration and request a hearing. The appeal request must be submitted in writing within ten (10) ~~business~~ calendar days of notification. If a hearing is requested, the program manager, or the manager's designee, shall schedule a hearing within ten (10) ~~calendar~~ business days. ~~Dangerous declaration appeals~~ Appeals shall consist of a hearing ~~an appearance~~ before the manager of animal care and control, or the manager's designee. The hearing officer shall be the manager of animal care and control, or the manager's designee.

a. A hearing fee of two hundred fifty dollars (\$250.00) must be paid prior to scheduling the hearing.

b. Individuals receiving means-tested public assistance and/or households with limited income may receive a waiver of appeal fees.

c. The manager of the program and/or the hearing officer may set limits on the amount of evidence that may be submitted and the length of testimony offered.

d. The individual conducting the review shall have authority to amend the declaration or order as appropriate and to establish specific requirements.

~~(3)~~ (2) Any time after a declaration has been issued, animal care and control may seize a declared animal. All applicable fees and costs shall be the responsibility of the owner or custodian of the animal.

The animal shall not be released until all fees are paid in full and compliance with all provisions of this Code is achieved. All animals seized pursuant to this subsection may be disposed of by animal care and control after fourteen (14) calendar days of notification of declaration when either the animal is not properly registered or an appeal has not been properly submitted pursuant to this section.

~~(4)~~ (3) In the event that the declaration is overturned, all fees will be reviewed by the hearing officer or the manager of animal care and control.

~~(5)~~ (4) The owner of the animal shall be notified by telephone of the hearing results within three (3) business days and in writing within ten (10) business days.

~~(6)~~ (5) All decisions may be appealed to the Minnesota Court of Appeals.

(g) *Annual review requests.* If there are no additional reports of the behavior described in subsections (d) or (e) of this section within a twelve month period from the date of the designation as a dangerous animal or a six month period from the date of the designation as a potentially dangerous animal, the animal's owner may request a review, in writing, of the declaration designation. The owner must provide documented evidence for review that the animal's behavior has changed due to environment, health, age, training, neutering or other relevant factor. The review request and supporting documentation must be submitted to the manager of animal care and control, and the manager, or the manager's designee, shall rule on the review request based on the record. The owner of the animal shall be notified in writing of the review results within ten (10) business days of receipt. An administrative fee of two hundred fifty dollars (\$250.00) shall be paid prior to the review. In cases where the owner has successfully completed a training program approved by the manager of animal care and control, the administrative fee may be reduced or waived by the manager.

(h) *Potentially dangerous or dangerous animal requirements.* No person may own or house a potentially dangerous or dangerous animal in the City of Minneapolis unless the animal is registered as provided in this subsection. No person operating a day care, as that term is defined pursuant to the Zoning Code, or any other home occupation in which children are regularly present, shall own, house or otherwise have temporary or permanent custody upon the premises of any animal previously declared potentially dangerous or dangerous as a result of displaying aggression towards a person. ~~All owners~~ Owners or custodians of potentially dangerous and dangerous animals ~~shall fully~~ may be required to comply with any or all of the following requirements, and any additional requirements established by a hearing officer, within fourteen (14) calendar days of notification of the declaration. Any imposed requirements are proper subjects for consideration by a hearing officer during a potentially dangerous or dangerous animal declaration appeal proceeding. Failure to comply shall ~~lead to~~ constitute adequate grounds for confiscation of the animal and possible disposition under subsections (k) through (n).

- (1) Microchip (must be pre-paid if animal care and control implants the microchip).
- (2) Current rabies vaccinations (must remain current on rabies vaccinations).
- (3) Current annual license for a declared animal (regardless of current license status).
- (4) Muzzle (with three-foot leash to be held by an adult at all times the animal is outside and not inside a proper enclosure).
- (5) A proper enclosure may be required in order for the animal to be unleashed or unmuzzled. For a potentially dangerous animal, a proper enclosure shall consist of a securely fenced yard area and/or a proper kennel. A securely fenced yard area shall have a fence of sufficient height, strength and design to prevent the animal or the animal's muzzle from moving over, under or through the fence and a gate and locking mechanism of sufficient strength and design to prevent the animal or the animal's muzzle from moving through the gate without proper leash and muzzle. For a dangerous animal, a proper enclosure shall consist of a proper kennel. A proper Proper kennel in all cases which shall meet the following minimum specifications:
 - a. A minimum of thirty-two (32) square feet in floor area per animal that will be kept in such enclosure.
 - b. The sidewalls shall have a minimum height of five (5) feet and be constructed of eleven (11) gauge or heavier wire. If the enclosure is on any permeable surface, the fence must be buried a minimum of eighteen (18) inches. Openings in the wire shall not exceed two (2) inches, support posts shall be one and one-quarter (1 1/4) inch or larger steel pipe buried a minimum of eighteen (18) inches into the ground.
 - c. A cover over the entire kennel shall be provided. The cover shall be constructed of the same gauge wire as the sidewalls or heavier and shall have no openings greater than two (2) inches.
 - d. An entrance/exit gate shall be provided and constructed of the same material as the sidewalls and shall also have no openings greater than two (2) inches. The gate shall be self closing, self locking and shall be locked at all times the animal is in the kennel.
 - e. The kennel shall comply with all zoning setbacks requirements unless variances are obtained.

- (6) Secured area maintained inside the home where the animal will stay when persons, other than family members, are present.
 - (7) Annual registration and payment of all applicable fees including submission of photographs of the required kennel and secured area and a current photograph of the animal. All fines shall be paid within thirty (30) days of the date they are due.
 - (8) The animal may not be possessed or maintained at any other location other than the owner's property.
 - (9) The owner or custodian of the animal may not be a minor under age eighteen (18).
 - (10) The animal shall not be subjected to neglect, suffering, cruelty, or abuse.
 - (11) The location where the animal is possessed or maintained shall be kept clean and sanitary with proper and adequate food, water, ventilation, shelter and care at all times.
 - (12) The owner of a potentially dangerous or dangerous animal may be required to complete an approved obedience class, at the direction of the manager of animal care and control or the manager's designee.
 - (13) If the animal is to move from the approved location, written notification shall be provided to the manager of animal care and control within ten (10) business days prior to relocation.
 - (14) The manager of animal care and control, or the manager's designee, shall be allowed at any reasonable time to inspect the animal, the animal's muzzle and leash, and the place where the animal is located.
 - (15) Minneapolis Animal Care and Control may require that any animal deemed potentially dangerous and any puppies or offspring of the animal in the care and custody of the owner be sterilized at the owner's expense. ~~Arrangements may be made at a pet hospital or clinic within the City of Minneapolis. Animal care and control shall transport the animal to the clinic and may transport back to the shelter until compliance is achieved. The owner of the animal shall make payment arrangements with the clinic prior to commencement of the procedure.~~
- (i) *Additional dangerous animal requirements.* In addition to the requirements of subsection (h), all owners or custodians of dangerous animals shall fully comply with the following requirements within fourteen (14) calendar days of notification of the declaration. Failure to comply shall lead to confiscation of the animal and possible disposition under subsections (k) through (n).

- (1) The animal and any puppies or offspring of the animal in the care and custody of the owner shall be sterilized at the owner or custodian's expense and adequate proof of sterilization shall be submitted.
 - (2) Proof of a current insurance policy or surety bond in the amount of at least three hundred thousand dollars (\$300,000.00) to cover any personal injuries inflicted by the animal and payable to the injured party or parties.
 - (3) A clearly visible sign posted in the front and rear of the property indicating that a "dangerous animal" is on or in the premises, meeting any requirements as designated by the manager of animal care and control.
- (j) *Declared animal from other jurisdictions.* No animal that has previously been determined to be potentially dangerous, dangerous or vicious by another jurisdiction shall be kept, owned or harbored in the City of Minneapolis unless the animal's owner or custodian complies with the requirements of the applicable declaration level as defined in subsections (h) and/or (i) of this section. Potentially dangerous or dangerous animal requirements must be met prior to bringing the animal into the city. Animals in violation of this subsection are subject to impoundment and humane destruction by lethal injection after notice and a hearing (if requested) under subsection (n) of this section.
- (k) *Impoundment.*
- (1) Any animal which bites a person or domestic animal and/or is subject to potentially dangerous or dangerous animal proceedings may be impounded at the discretion of animal care and control pending hearings and compliance.
 - (2) All animals that have been previously declared potentially dangerous or dangerous shall be impounded at the animal care and control facility for the quarantine period and held until the final disposition is determined.
 - (3) All animals found to be in violation of the requirements of this section shall be impounded.
 - (4) The impounded animal's owner shall be charged for all impoundment related costs and fees.
- (l) *Noncompliance, transfer, loss or death of declared animals.*
- (1) Failure to comply with the provisions of this section may result in seizure of the animal by animal care and control and disposition pursuant to subsection (n).

- (2) The owner or custodian of any animal declared potentially dangerous or dangerous must notify Minneapolis Animal Care and Control in writing of the death of the animal within fourteen (14) days of the animal's death. If requested by animal care and control the owner or custodian must execute an affidavit under oath setting forth the circumstances of the animal's death and disposition.
 - (3) If the owner or custodian of any animal declared potentially dangerous or dangerous wishes to relocate the animal based solely upon the owner or custodian relocating his or her principle residence either within or without the City of Minneapolis, the owner or custodian shall notify Minneapolis animal care and control in writing prior to such relocation. If requested by animal care and control, the owner or custodian must execute an affidavit under oath setting forth the new address of the owner or custodian where the animal will be housed.
 - (4) The owner or custodian of any animal declared potentially dangerous or dangerous shall not transfer the ownership or custodianship of such an animal to another person or persons unless the owner or custodian receives prior written approval from the manager of animal care and control. If requested by animal care and control, the owner or custodian must execute an affidavit under oath setting forth the complete name, address, and telephone number(s) of the person to whom the animal has been transferred. All applicable requirements of this section and this code must be met by the prospective new owner before the animal may be transferred.
 - (5) Whenever any animal declared potentially dangerous or dangerous is lost or runs away, the owner or custodian of the animal shall provide written notification to the manager of animal care and control within ten (10) business days after the loss of the animal. The manager of animal care and control may require that the owner or custodian provide an affidavit under oath setting forth the nature and circumstances of the loss of the animal. Should the animal return or should the owner or custodian otherwise subsequently become aware of the location of the animal, the owner or custodian shall notify the manager of animal care and control within three (3) business days.
- (m) *Restriction on future ownership.*
- (1) Any person who:
 - a. Has owned or owns or had custody of an animal declared potentially dangerous or dangerous or ordered destroyed and is found to be in violation of any requirement of this section; or
 - b. Had owned a potentially dangerous or dangerous animal but never achieved compliance with the requirements of this section; or

- c. Has owned or had custody of more than one (1) animal declared potentially dangerous or dangerous and/or ordered destroyed within two (2) years; or
- d. Has owned or owns or had custody of an animal which has inflicted substantial bodily harm on a person and/or kills a domestic animal as a result of the intentional act or acts of that owner or custodian;
- e. Has been convicted of any violation of Minnesota Statute Section 609.226, Harm Caused by Dog, or amendments thereto;

may be subject to restrictions on ownership or custody of other animals of the same species for a period of five (5) years after the ~~original~~ most recent declaration. For the purposes of this section, custody would include any animal in the dwelling in which the person subject to the ownership restriction lives. The animal found to be in violation shall be impounded until due process is completed.

(For the purposes of this section, custody means the presence of any animal on the property of any dwelling or residence in which the restricted persons lives or resides including, but not limited to, all surrounding grounds, outbuildings and/or garages.)

- (2) Any animal owner in violation of this subsection shall be notified in writing of the violation and may request a hearing in writing within five (5) business days of receipt of the notice. If a hearing is requested, the program manager or the manager's designee shall schedule a hearing within ten (10) business days. Violation appeals shall consist of an appearance before the manager of animal care and control or the manager's designee. An administrative fee of two hundred fifty dollars (\$250.00) shall be paid prior to the scheduling of the hearing. The program manager may set limits on the amount of evidence that may be submitted and the length of any testimony offered.
- (3) The owner of the animal shall be notified, in writing, of the hearing results within ten (10) business days.
- (4) Any person convicted of a violent felony, as defined in Minnesota Statute 624.712, subdivision 5, who owns, possesses, or controls an animal weighing more than twenty (20) pounds, or an animal that the manager of animal care and control designates as posing a danger to the public's health, safety or welfare if misused by a person convicted of a violent felony, must have a prohibited animal permit to own, keep or maintain that animal. For the purposes of this section, own, keep, or maintain would include any animal in the dwelling in which the person subject to the ownership restriction lives. If there is cause to believe that an animal poses a danger to the public's health, safety or welfare if misused by a person convicted of a

violent felony, the animal may be impounded pending a determination made under this article and until a permit is obtained. If the manager of animal care and control designates an animal as posing a danger to the public's health, safety or welfare if misused by a convicted felon, written notice of this designation shall be mailed to the owner or custodian of the animal. The owner or custodian must pay an application fee and apply for the prohibited animal permit within fifteen (15) calendar days after the mailing of the written notice of designation. The manager of animal care and control may deny a prohibited animal permit if he or she determines that the animal poses a danger to the public's health, safety or welfare, or may condition the issuance of the permit upon the permittee's written agreement to comply with conditions of ownership to be determined by the manager of animal care and control. These conditions of ownership may include, but are not limited to, those found under subsections (h) and (i). A prohibited animal may subsequently be revoked by the manager of animal care and control if there is probable cause to believe that the convicted violent felon's continued ownership of the animal poses a danger to the public's health, safety or welfare. Any person violating this subsection is guilty of a misdemeanor. A person convicted of a violent felony under this article shall not include persons whose convictions were set aside, or persons whose sentences were completed ten (10) years or more in the past. "Misuse" by a convicted felon means use of an animal in a threatening or aggressive manner, or in the commission or furtherance of the commission of a crime.

- a. Any animal whose owner or keeper is in violation of this subsection shall be impounded, or impounded subject to destruction, at the owner's expense.
- b. An animal that poses a danger to the public health, safety or welfare if misused by a convicted felon under this section means any of the following:
 1. An animal weighing more than twenty (20) pounds;
 2. An animal which has been designated a potentially dangerous or dangerous animal under subsections (d) or (e) of this section;
 3. An animal designated by the manager of animal care and control as posing a danger to the public's health, safety or welfare if misused by a convicted felon based upon the following factors:
 - i. The nature of any complaints regarding the animal.
 - ii. The strength of the animal, including jaw strength.

- iii. The animal's tolerance for pain.
- iv. The animal's tendency to refuse to terminate an attack.
- v. The animal's propensity to bite humans or other domestic animals.
- vi. The animal's potential for unpredictable behavior.
- vii. The animal's aggressiveness.
- viii. The likelihood that a bite by the animal will result in serious injury. This subsection shall not apply to any assistance animal, including guide animals, signal animals and service animals, trained or in training to assist a qualified individual with a disability.

(n) *Disposition of animals.*

- (1) The Program Manager at Minneapolis Animal Care and Control is authorized to order the destruction or other disposition of any animal which:
 - a. Kills a person, or
 - b. Has bitten one (1) or more persons on two (2) or more occasions, or
 - c. Has caused substantial bodily injury or disfigurement as defined in subsections (d) or (e) of this section, or
 - d. Has engaged in an attack on or exhibited unusually aggressive behavior towards any person or domestic animal under circumstances that would indicate danger to the safety of the person or animal, or
 - e. Is prohibited by or found to be in violation of subsections (g), (h), (i), (j) or (l) of this section, or
 - f. Unprovoked, kills a domestic animal, or
 - g. Is prohibited by section 74.50 of this Code.
- (2) In determining the disposition of the animal the manager of animal care and control will determine the potential of the animal to pose a danger to the public's health, safety or welfare based upon the following factors:

- a. The animal weighing more than twenty (20) pounds;
- b. The strength of the animal, including jaw strength;
- c. The animal's tolerance for pain;
- d. The animal's tendency to refuse to terminate an attack;
- e. The animal's propensity to bite humans or other domestic animals;
- f. The animal's potential for unpredictable behavior;
- g. The animal's aggressiveness;
- h. The likelihood that a bite by the animal will result in serious injury.

This subsection shall not apply to any assistance animal, including guide animals, signal animals and service animals, trained or in training to assist a qualified individual with a disability.

(3) *Procedure.*

- a. The owner or custodian of the offending animal shall be notified in writing as to the reasons the animal is subject to disposition or destruction under this subsection and where applicable, copies of all reports received by animal care and control that were utilized to determine the disposition.
- b. The owner shall have three (3) business days after the date of notification to request a hearing to appeal a destruction order. If a hearing is requested, it shall be scheduled within ten (10) business days. The hearing officer shall be the manager of animal care and control or the manager's designee and shall have authority to amend the declaration or order as appropriate.
- c. If a hearing is not requested within three (3) business days of the notification, the animal may not be destroyed until a minimum of five (5) business days have passed since the issuance of the order.
- d. If the animal has bitten a person, it shall remain at a designated animal care and control facility through the end of the quarantine period as required pursuant to section 66.40. At the conclusion of the quarantine period the animal shall be subject to further disposition as defined in this Code and may be held at the owner's expense until a disposition is determined.

- e. Unclaimed animals shall be subject to disposition without notice to the owner or custodian after the mandatory hold period as established in section 62.40. Unclaimed animals shall include animals declared potentially dangerous or dangerous if in the custody of animal care and control and not in full compliance with the requirements of this section.
- f. All applicable fees are subject to payment within twenty (20) days for any identified owners and shall be invoiced. All unpaid fees may be forwarded to a collection agency for processing.
- (o) *Concealing of dangerous animals.* Any person who harbors, hides or conceals an animal found to be potentially dangerous or dangerous by animal care and control which has been ordered into custody for disposition shall be guilty of a misdemeanor.
- (p) *Conditioning and training equipment prohibited.* No person shall use or possess any device, equipment, treatment or products for the strengthening or conditioning of an animal with the intent to enhance the animal's ability to inflict bodily injury upon human beings or domestic animals on public or private property.
- (q) *Fees.* Fees under this section may include, but are not limited to, impound, kennel, license, penalties, hearing, registration and euthanasia fees. All applicable fees shall be defined by this Code and/or included in the licenses and annual billing fees schedule or in the schedule of civil fines for administrative offenses resolution, and duly approved by city council.

Impound fee . . . \$100.00

Daily kennel fee, per day . . . 25.00

Microchip fee . . . 35.00

Euthanizing fee . . . 75.00

Rabies vaccination . . . 20.00

Sedation, if necessary . . . 20.00

Annual license fee . . . 75.00

Annual registration:

Potentially dangerous . . . 100.00

Dangerous . . . 200.00

Appeal hearing fee:

Potentially dangerous and dangerous ~~Dangerous~~ . . . 250.00

MARCH 7, 2013

Potentially dangerous . . . 100.00

Prohibited animal permit . . . 250.00

Annual County Registration fee--Determined by Hennepin County
Adopted.

Ordinance 2013-Or-033 amending Title 4, Chapter 66 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Rabies Control*, amending Section 66.40 by eliminating the midterm examination of rabies suspects, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-033
By Samuels
Intro & 1st Reading: 12/14/2012
Ref to: PSC&H
2nd Reading: 3/7/2013

Amending Title 4, Chapter 66 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Rabies Control.

The City Council of the City of Minneapolis do ordain as follows:

That Section 66.40 (b) of the above-entitled ordinance be amended to read as follows:

66.40. - Impoundment of rabies suspects.

(b) Any dog, cat, or ferret vaccinated in accordance with sections 66.10, 66.20, or 66.25 which has bitten any person shall be confined by the owner or other responsible person in such manner as the commissioner of health, manager of animal care and control or the manager's designee may direct and for a period of not less than ten (10) days. The commissioner of health or the manager of animal care and control or an authorized representative shall conduct a ~~midterm~~ and terminal examination of the animal. If no signs of rabies are observed, the domestic animal may be released from confinement. It shall be unlawful for any owner or person in custody or control of any vaccinated dog, cat, or ferret that has bitten any person to refuse or fail to quarantine such dog, cat, or ferret as required by this subsection. The manager of animal care and control or the manager's designee shall seize any dog, cat, or ferret not quarantined in accordance with the subsection.

Adopted.

The PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and WAYS & MEANS/BUDGET Committees submitted the following reports:

PSC&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute an amendment to the agreement with the Hennepin County Criminal Justice Coordinating Committee to extend the term of the agreement from 2/1/2013 to 1/31/2016, with a total compensation not to exceed \$75,000.

Adopted.

PSC&H & W&M/Budget - Your Committee recommends passage of the accompanying resolution accepting in-kind donations of dog and cat food and supplies from Dave Hall, MACC Volunteers, Kelly Everding, Brian Smiley, Kelly Kruger, Annie Westgate, Toni Yeamans and Marda Winnick.

Adopted.

Resolution 2013R-091, approving donations of dog and cat food and treats from Dave Hall, MACC Volunteers, Kelly Everding, Brian Smiley, Kelly Kruger, Annie Westgate, Toni Yeamans and Marda Winnick, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-091

By Samuels and Hodges

Approving donations of dog and cat food and treats.

Whereas, the City of Minneapolis is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts and bequests for the benefit of recreational services pursuant to Minnesota Statutes Section 471.17; and

Whereas, the following persons and entities have offered to contribute the gifts set forth below to the City:

| | |
|-----------------|---|
| Dave Hall | 9 bags (50 lb) Purina Dog Food, 6 bag (20 lb) cat food, 1 10 lb box of dog biscuits, 2 boxes Sentry for cats, and 5 cat treat pouches |
| MACC Volunteers | 1 package Zuke's 1 lb mini naturals |
| Kelly Everding | 1 bag cat treats |
| Brian Smiley | 50 lb bag dog food |
| Kelly Kruger | dog and cat food |
| Annie Westgate | 95 lb dog and cat food |
| Toni Yeamans | 6 boxes Milk Bones dog biscuits |
| Marda Winnick | Martingale dog collars |

Whereas, all such donations have been contributed to assist the city in providing Animal Care and meeting our goals of Responsible Pet Ownership, as allowed by law; and

Whereas, the City Council finds that it is appropriate to accept the donations offered;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the donations described above are accepted and shall be used for the animals cared for at Minneapolis Animal Care and Control.

Adopted.

PSC&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to enter into a contract amendment with the Hennepin County Sheriff for jail fees and to execute any documents necessary to effectuate the agreement.

Adopted.

PSC&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept grant funds from the Robert Wood Johnson Foundation in the amount of \$27,000 for the *Roadmaps to Health* award. Further, passage of the accompanying resolution appropriating said funds to the Health Department.

Adopted.

RESOLUTION 2013R-092
By Samuels and Hodges

Amending the 2013 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Health Department Agency in the Grants Other Fund (01600-8600120) by \$27,000 and increasing the revenue source (01600-8600120-372001) by \$27,000.

Adopted.

The REGULATORY, ENERGY & ENVIRONMENT Committee submitted the following reports:

RE&E - Your Committee recommends passage of the accompanying resolution supporting Earth Hour 2013.

Adopted.

Resolution 2013R-093, supporting Earth Hour 2013, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-093
By Glidden, Gordon, Samuels, Schiff, Goodman, Hofstede, Reich,
Johnson, Lilligren, Tuthill, Quincy, Colvin Roy, Hodges

Supporting Earth Hour 2013.

Whereas, the inaugural Earth Hour took place in Sydney, Australia in March 2007 with more than 2.2 million people participating in an effort that darkened icons such as the Sydney Opera House and the Harbour Bridge and resulted in a ten per cent drop in energy usage — double what had been predicted; and

Whereas, the World Wildlife Federation (WWF) launched Earth Hour as a global initiative in which cities and communities will turn out their lights to symbolize their leadership and commitment to finding solutions for climate change; and

Whereas, cities from around the world, including Minneapolis since 2008, have participated; and

Whereas, during Earth Hour governments, businesses, community leaders, and individuals will be turning out their lights and switching on their support for actions that can help make a difference in one of the most significant challenges facing the world today; and

Whereas, Earth Hour reminds us that each of us can be part of the solution to climate change; and

Whereas, in Minneapolis 40% of greenhouse gas emissions come from electricity; and

Whereas, those Minneapolis buildings participating in Audubon Minnesota's "Lights Out" Campaign are to be commended for turning off lights during spring and fall bird migration in order to reduce the risk of birds hitting tall office buildings during the night;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That on March 23, 2013 from 8:30 p.m. - 9:30 p.m. the City will participate in Earth Hour by turning off all uses of electricity in municipal buildings not required for life, safety, or operations and will turn off the decorative lighting on the Stone Arch Bridge for the entire night as a symbol of the City's commitment to being part of the solution to climate change.

Be It Further Resolved that residents of Minneapolis are encouraged to participate in Earth Hour and reduce their energy usage during every hour of the year.

Be It Further Resolved that we encourage all Minneapolis businesses to participate in Earth Hour and specifically recognize and thank the following for their leadership and participation in the Lights Out for migrating birds campaign:

- 20, 100, and 111 Washington Square
- 225 South Sixth St
- 33 South 6th Street / City Center
- Accenture Tower
- Ameriprise - CSC Building
- Ameriprise Financial Center
- Campbell Mithun Tower
- Carlyle Condominium
- Fifth Street Towers (100 and 150 S 5th St)
- Fifty South Sixth
- Grant Park Tower
- Hennepin County Central Library
- Hennepin County Health Services Building
- Hennepin County Government Center
- IDS Center
- LaSalle Plaza
- One Financial Plaza
- Plaza VII
- RBC Plaza/Gaviidae Common II
- Retek on the Mall

- Riverplace
- Thrivent Financial for Lutherans
- US Bancorp Center
- US Bank Plaza
- Wells Fargo Center.

Adopted.

RE&E - Your Committee recommends the establishment of a working group to include Council Members Elizabeth Glidden, Cam Gordon, Lisa Goodman, the Mayor's Office, and key staff from City Departments including, as requested, staff from Public Works, CPED, City Coordinator Divisions, Health, Police, Fire, and Regulatory Services to develop a process for and set priorities relating to:

- a) Greening the City enterprise; and
- b) City support for green enterprises and green initiatives in the private and not-for-profit sectors.

The working group will be led by the City Coordinator's Office and report back to the Regulatory, Energy & Environment Committee on progress no later than June 1, 2013. In preparing process and priority recommendations, the working group will emphasize air and energy and utilize existing City policy guidance, including the GreenPrint and Climate Action Plan.

Adopted.

RE&E - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Tobacco License held by Travel Traders Hotel Stores Inc, 1001 Marquette Ave.

Adopted.

Resolution 2013R-094, approving License Settlement Conference recommendations relating to the Tobacco License held by Travel Traders Hotel Stores Inc, 1001 Marquette Ave, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-094
By Glidden

Approving License Settlement Conference recommendations relating to the Tobacco License held by Travel Traders Hotel Stores Inc, 1001 Marquette Ave.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on February 12, 2013, with the licensee; and

Whereas, the Regulatory, Energy & Environment Committee received Findings of Fact, Conclusions and Recommendations that concluded that the licensee violated the Minneapolis Code of Ordinances by selling tobacco to minors on three separate occasions and the licensee paid the associated fines;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the office of the City Clerk and made a part of this report by reference:

1. Employees to take and pass the online "WE CARD" training program prior to being able to sell tobacco, tobacco products, or tobacco-related devices and that certificates be kept on file.

2. A new Point of Sale (POS) system will be installed that requires entering an ID birth date for the sale of any tobacco, tobacco products, or tobacco-related devices.

3. The licensee will establish an internal "self-check" program and provide underage buyers to verify that employees are following the ordinance and conditions.

4. The licensee will implement a "zero tolerance" policy for employees who sell tobacco, tobacco products, or tobacco-related devices to underage persons. A copy of the written policy will be filed with the License & Consumer Services Department.

Adopted.

RE&E - Your Committee, having under consideration the Rental Dwelling License for the property located at 3623 Queen Ave N, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Interim Director of Regulatory Services to approve the reinstatement of said license to be held by Arshad Moghul.

Adopted.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Liquor Licenses.

Adopted.

Resolution 2013R-095, granting applications for Liquor Licenses, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-095

By Glidden

Granting Liquor Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 276353):

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2014

90's Minneapolis LLC, dba Gay 90's, 400 Hennepin Ave

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2014

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 3040 Excelsior Blvd
(New Manager).

Adopted.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted.

Resolution 2013R-096, granting applications for business licenses, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-096
By Glidden

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the office of the City Clerk under date of March 7, 2013 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 276353):

Dry Cleaning & Laundry Pickup Station; Food All Night Special; Food Caterers; Food Confectionery; Food Distributor; Food Market Distributor; Food Grocery; Institutional Food Service; Food Mobile Vehicle Vendor; Food Manufacturer; Food Market Manufacturer; Food Meat Market; Milk & Grocery Delivery Vehicle; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Vending Machine; Gas Fitter Class A; Heating, Air Conditioning & Ventilating Class A; Plumber; Rental Halls; Second Hand Goods Class A; Sign Hanger; Solid Waste Hauler; Taxicab Service Company; Taxicab Vehicle - Fuel Efficient; Taxicab Vehicle - Wheelchair Access; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Tree Servicing; Wrecker of Buildings Class B; Tobacco Dealer.

Adopted.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted.

Resolution 2013R-097, granting applications for Gambling Licenses, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-097
By Glidden

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 276353):

Gambling Exempt

Minnetonka Public Schools Foundation, dba Minnetonka Public Schools Foundation, 5621 County Rd 101, Minnetonka (Raffle February 9, 2013, The Depot Renaissance Minneapolis Hotel)

Baby's Space: A Place to Grow, dba Baby's Space: A Place to Grow, 1042 18th Ave SE (Raffle February 27, 2013, Walker Art Center)

Special Olympics Minnesota, dba Special Olympics Minnesota, 100 Washington Ave S (Two separate raffles March 2, 2013, Thomas Beach Lake Calhoun)

Boys & Girls Clubs of the Twin Cities, dba Boys & Girls Clubs of the Twin Cities, 690 Jackson St (Raffle March 8, 2013, TCF Bank Stadium)

The Junior League of Minneapolis, Inc, dba The Junior League of Minneapolis, 410 Oak Grove St (Raffle March 10, 2013, Capri Theater)

The Church of the Holy Cross, dba The Church of the Holy Cross, 1621 University Ave NE (Bingo March 17, 2013)

Alzheimer's Disease & Related Disorders, dba Alzheimer's & Related Disorders Assn, 7900 W 78th St (Raffle April 13, 2013, The Depot).

Adopted.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration a development proposal for the property located at 1313 5th St SE, now recommends that the proper City officers be authorized to negotiate terms and conditions and execute a Utility Agreement between the City of Minneapolis and 1313 5TH STREET MN OWNER, LLC, as set forth in Petn No 276357.

Adopted.

T&PW - Your Committee recommends passage of the accompanying resolution expressing the City's support for the development of the Mississippi River Trail (US Bicycle Route 45).

Adopted.

Resolution 2013R-098, supporting the development of the Mississippi River Trail (U.S. Bicycle Route 45), was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-098
By Colvin Roy

Supporting the development of the Mississippi River Trail (U.S. Bicycle Route 45).

Whereas, bicycle tourism is a growing industry in North America, presently contributing approximately \$47 billion dollars a year nationally to the economies of communities that provide facilities for said tourism; and

Whereas, the American Association of State Highway and Transportation Officials (AASHTO) has designated a corridor along the Mississippi River to be developed as United States Bike Route 45; and

Whereas, the Minnesota Department of Transportation has convened several public meetings during the previous eighteen months locally and throughout the river's corridor to gather information, review route alternatives, and to provide assistance; and

Whereas, the Minnesota Department of Transportation in cooperation with road and trail authorities have proposed a specific route to be designated as the Mississippi River Trail (USBR 45), a map of which is herein incorporated into this resolution by reference (Petn No 276357); and

Whereas, the proposed Mississippi River Trail (USBR 45) traverses through the City of Minneapolis and is expected to provide a benefit to local residents and businesses; and

Whereas, the Minnesota Department of Transportation will continue to maintain statewide mapping and information regarding Mississippi River Trail (USBR 45), convene meetings, and facilitate the resolution of issues and future alignment revisions within the State; and

Whereas, the City of Minneapolis has duly considered said proposed route and determined it to be a suitable route through the City of Minneapolis and desires that the route be formally designated so that it can be appropriately mapped and signed, thereby promoting bicycle tourism locally and throughout Minnesota along the Mississippi River;

Now, Therefore, Be It Resolved by The City Council of the City of Minneapolis:

That the City of Minneapolis hereby expresses its approval and support for the development of the Mississippi River Trail (USBR 45) and requests that the appropriate government officials take action to officially designate the route accordingly.

Adopted.

The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying resolutions:

a) Ordering the work to proceed and adopting the special assessments for the following projects:

- 31st St W Street Resurfacing Project, Special Improvement of Existing Street No 5247

- 35th St E Street Resurfacing Project, Special Improvement of Existing Street No 5244
 - 38th St W Street Resurfacing Project, Special Improvement of Existing Street No 5245;
- and

b) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds for the purpose of paying the assessed cost of street improvements in the projects.

Your Committee further recommends that the assessment term for the property located at 3754 Pleasant Ave S (PID 03-028-24-33-0125), in the 38th St W Project No 5245, be extended from five (5) years to seven (7) years.

Adopted.

Resolution 2013R-099, ordering the work to proceed and adopting special assessments for the 31st St W, 35th St E, and 38th St W Street Resurfacing Projects, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2013R-099
By Colvin Roy and Hodges**

**2013 STREET RESURFACING PROGRAM
31ST ST W STREET RESURFACING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5247
AND
35TH ST E STREET RESURFACING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5244
AND
38TH ST W STREET RESURFACING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5245**

**Ordering the work to proceed and adopting special assessments for the 31st St W,
35th St E, and 38th St W Street Resurfacing Projects.**

Whereas, a public hearing was held on February 26, 2013 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2013R-029, passed January 25, 2013 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2013R-029, passed January 25, 2013.

Be It Further Resolved that the proposed special assessments in the following amounts, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties:

- \$189,295.15 for the 31st St W Project No 5247
- \$80,305.74 for the 35th St E Project No 5244
- \$108,656.30 for the 38th St W Project No 5245.

Be It Further Resolved that the assessment for the property located at 3754 Pleasant Ave S (PID 03-028-24-33-0125), in the 38th St W Project No 5245, be collected in seven (7) successive equal annual principal installments and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2014 real estate tax statements.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at five (5) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2014 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2014 real estate tax statements.

Adopted.

Resolution 2013R-100, requesting the Board of Estimate and Taxation to issue and sell assessment bonds for the purpose of paying the assessed cost of street improvements in the 31st St W, 35th St E, and 38th St W Street Resurfacing Projects, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-100
By Colvin Roy and Hodges

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed costs of street improvements to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in five (5) successive annual installments, payable in the same manner as real estate taxes for the following projects and in the following amounts:

- \$189,300 for the 31st St W Street Resurfacing Project, Special Improvement of Existing Street No 5247
- \$80,310 for the 35th St E Street Resurfacing Project, Special Improvement of Existing Street No 5244
- \$108,660 for the 38th St W Street Resurfacing Project, Special Improvement of Existing Street No 5245.

Adopted.

T&PW & W&M/Budget - Your Committee, having under consideration the cleaning and lining of cast iron water mains, now recommends that the proper City officers be authorized to amend Contract C-30080 with Heitkamp, Inc. by extending the contract for an additional two years, through December 31, 2014 as agreed to under OP 7438, and increasing the contract by \$434,543, for a revised contract total of \$1,708,252.90.

Adopted.

T&PW & W&M/Budget - Your Committee, having under consideration The Interchange Project, now recommends that the proper City officers be authorized to negotiate and execute a Cooperative Funding Agreement with Hennepin County to pay Hennepin County an amount not to exceed of \$500,000 from the appropriated funding in the Street Paving Department (04100-9010937-PV088) for infrastructure improvements needed in conjunction with The Interchange Project. No additional appropriation is required.

Adopted.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for engineering services and construction support for the replacement of the bridge over the Burlington Northern Santa Fe Northtown Rail Yard.

Adopted.

T&PW & W&M/Budget - Your Committee, having under consideration OP 7724 for crushing rubble concrete and rubble asphalt, now recommends that the proper City officers be authorized to increase the contract with Intex Corporation from \$72,000 to \$280,000, all in accordance with the original bid specifications.

Adopted.

(Republished 3/30/2013)

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7754 from Cemstone Products Company, for an estimated annual expenditure of \$1,139,700.00, to furnish and deliver Ready Mix Concrete, as needed, to various City departments and boards through March 31, 2014.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service in accordance with City specifications.

Adopted.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7760 from Graymont (WI), LLC, for an estimated annual expenditure of \$2,500,000.00, to furnish and deliver quick lime to the Public Works Water Treatment and Distribution Division for a 12-month period.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service in accordance with City specifications.

Adopted.

The WAYS & MEANS/BUDGET Committee submitted the following reports:

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted.

Resolution 2013R-101, authorizing settlement in the matter of *Steven F. Meldahl v. City of Minneapolis*, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-101
By Hodges

Authorizing legal settlement.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the settlement of *Steven F. Meldahl v. City of Minneapolis*, by payment of \$1,750 to Steven F. Meldahl from the Internal Service Self Insurance Fund (06900-1500100-145400).

Further, authorize the City Attorney's Office to execute any documents necessary to effectuate the settlement.

Adopted.

W&M/Budget - Your Committee, having under consideration a VAWA STOP Grant Award, now recommends the proper City officers be authorized to execute a grant agreement and accept funds in the amount of \$123,726 from the Minnesota Department of Public Safety Office of Justice Programs. The award will provide funding for two initiatives relating to domestic violence prevention as set forth in the staff report. Further, passage of the accompanying resolution appropriating funds.

Adopted.

RESOLUTION 2013R-102
By Hodges

Amending The 2013 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by:

a) Increasing the appropriation in the Attorney - Criminal Division in the Grants Federal Fund (01300-1400100) by \$123,726; and

b) Increasing the revenue source budget (01300-1400100) by \$123,726.

Adopted.

W&M/Budget - Your Committee, having under consideration the list of City positions that are subject to the Statement of Economic Interest (SEI) filing requirements (Section 15.80(a)(3) Minneapolis Code of Ordinances), now recommends approval of said list (Petr 276361); and that it be submitted to the MN Campaign Finance and Public Disclosure Board.

Adopted.

W&M/Budget - Your Committee recommends approval of the April 2013 utility billing insert on behalf of Community Planning and Economic Development and the Minnesota Homeownership Center providing information about foreclosure prevention help (Petr 276363).

Adopted.

W&M/Budget – Your Committee, having under consideration receipt of environmental remediation grant awards, now recommends that the proper City officers be authorized to accept and appropriate the following awards (for those which the City is recipient), and to execute grant, subrecipient and/or disbursement and related agreements for these grants:

Minnesota Department of Employment and Economic Development (DEED) Grants

| Project | Recipient | Grant Award |
|---|---------------------|--------------------|
| 4250 Upton f/k/a Linden Hills | City of Minneapolis | \$174,111 |
| Natural LLC, The, f/k/a Hobbs BBQ | City of Minneapolis | 151,367 |
| Mill & Main, Phase II | City of Minneapolis | 752,350 |
| Station at Washington, The | City of Minneapolis | 103,500 |
| Surly Brewing a/k/a Malcolm Midway Site | City of Minneapolis | 1,000,000 |
| WaHu Student Housing a/k/a Arby's Site | City of Minneapolis | 460,895 |
| Washburn Center for Children | City of Minneapolis | 130,416 |

Metropolitan Council Tax Base Revitalization Account Grants

| Project | Recipient | Grant Award |
|---|---------------------|--------------------|
| 4250 Upton f/k/a Linden Hills | City of Minneapolis | \$75,400 |
| City Place Lofts | City of Minneapolis | 184,600 |
| GAV Development, The | City of Minneapolis | 44,300 |
| Harris Machinery Site [former] | City of Minneapolis | 21,000 |
| Mill & Main, Phase II | City of Minneapolis | 65,200 |
| Surly Brewing a/k/a Malcolm Midway Site | City of Minneapolis | 545,300 |
| WaHu Student Housing a/k/a Arby's Site | City of Minneapolis | 324,800 |

Hennepin County Environmental Response Fund Grants

| Project | Recipient | Grant Award |
|---|---------------------|--------------------|
| 4250 Upton f/k/a Linden Hills | City of Minneapolis | \$75,220 |
| City Place Lofts | City of Minneapolis | 75,000 |
| GAV Development, The | City of Minneapolis | 33,000 |
| Mill & Main, Phase II | City of Minneapolis | 65,205 |
| Sheridan Memorial Park | MPRB | 52,750 |
| Surly Brewing a/k/a Malcolm Midway Site | City of Minneapolis | 450,000 |
| WaHu Student Housing a/k/a Arby's Site | City of Minneapolis | 82,314 |
| Washburn Center for Children | City of Minneapolis | 150,260 |

Your Committee further recommends passage of the accompanying resolution increasing the Department of Community Planning & Economic Development appropriation to reflect the receipt of said grant funds and increasing the revenue budget.

Adopted.

**RESOLUTION 2013R-103
By Goodman and Hodges**

Amending the 2013 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

- a) Increasing the appropriation in the Department of Community Planning and Economic Development (CPED) Agency Grants Other Fund (01600-8900320) by \$2,504,643;

b) Increasing the appropriation in the CPED Agency Grants Other Fund (01600-8900220) by \$2,459,595;

c) Increasing the revenue source in the CPED Agency Grants Other Fund (01600-8900900-321504) by \$2,772,639;

d) Increasing the revenue source in the CPED Agency in the Grants Other Fund (01600-8900900-321513) by \$1,260,600;

e) Increasing the revenue source in the CPED Agency Grants Other Fund (01600-8900900-322002) by \$930,999.

Adopted.

W&M/Budget - Your Committee, having under consideration bonds issued for the Hi-Lake Triangle Apartments project at 2230 E Lake St, now recommends passage of the accompanying resolution supplementing Resolution No. 2012R-572 entitled, "Authorizing the issuance, sale, and delivery of Multifamily Housing Revenue Bonds (Hi-Lake Limited Partnership Project), Series 2012, payable solely from revenues pledged pursuant to an Indenture of Trust; authorizing the issuance, sale, and delivery of Multifamily Housing Revenue Refunding Bonds (Hi-Lake Limited Partnership Project), Series 2013, payable solely from revenues pledged pursuant to a Trust Indenture; approving the form of and authorizing the execution and delivery of the Bonds, the Refunding Bonds, and related documents; and providing for the security, rights, and remedies with respect to the Bonds and the Refunding Bonds," passed November 16, 2012, which authorizes issuance of a single series of bonds in definitive form in calendar year 2013.

Adopted.

Resolution 2013R-104, supplementing Resolution 2012R-572 entitled, "Authorizing the issuance, sale, and delivery of Multifamily Housing Revenue Bonds (Hi-Lake Limited Partnership Project), Series 2012, payable solely from revenues pledged pursuant to an Indenture of Trust; authorizing the issuance, sale, and delivery of Multifamily Housing Revenue Refunding Bonds (Hi-Lake Limited Partnership Project), Series 2013, payable solely from revenues pledged pursuant to a Trust Indenture; approving the form of and authorizing the execution and delivery of the Bonds, the Refunding Bonds, and related documents; and providing for the security, rights, and remedies with respect to the Bonds and the Refunding Bonds," passed November 16, 2012, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-104
By Goodman and Hodges

Supplementing Resolution 2012R-572 entitled, "Authorizing the issuance, sale, and delivery of Multifamily Housing Revenue Bonds (Hi-Lake Limited Partnership Project), Series 2012, payable solely from revenues pledged pursuant to an Indenture of Trust; authorizing the issuance, sale, and delivery of Multifamily Housing Revenue Refunding Bonds (Hi-Lake Limited Partnership Project), Series 2013, payable solely from revenues pledged pursuant to a Trust Indenture; approving the form of and authorizing the execution and delivery of the Bonds, the Refunding Bonds, and related documents; and providing for the security, rights, and remedies with respect to the Bonds and the Refunding Bonds," passed November 16, 2012.

Resolved by The City Council of The City of Minneapolis:

1. **STATUTORY AUTHORIZATION.** The City of Minneapolis (the “City”) is a home rule city and political subdivision duly organized and existing under its Charter and the Constitution and laws of the State of Minnesota. The City is authorized by Minnesota Statutes, Chapter 462C, as amended (the “Act”), to carry out the public purposes described in the Act by issuing its revenue bonds to provide funds to finance multifamily housing developments within its boundaries. In the issuance of revenue bonds and in the making of loans to finance multifamily housing developments, the City may exercise, within its corporate limits, any of the powers that the Minnesota Housing Finance Agency may exercise under Minnesota Statutes, Chapter 462A, as amended, without limitation under the provisions of Minnesota Statutes, Chapter 475, as amended.

2. **THE BORROWER AND THE PROJECT.** Hi-Lake Limited Partnership, a Minnesota limited partnership (the “Borrower”), and its general partner, Hi Lake Triangle LLC, a Minnesota limited liability company, have requested the participation of the City in the financing of the acquisition, construction, and equipping of a 64-unit multifamily rental housing development for seniors, and facilities functionally related and subordinate thereto, to be located at 2230 East Lake Street at the northwest corner of Lake Street and Hiawatha Avenue in the City (the “Project”).

3. **APPROVAL OF SERIES 2012 BONDS AND RELATED BOND DOCUMENTS.** On November 16, 2012, the City Council adopted Resolution 2012R-572 authorizing the issuance of its Multifamily Housing Revenue Bonds (Hi-Lake Limited Partnership Project), Series 2012 (the “Series 2012 Bonds”), in an aggregate principal amount of \$6,500,000, for the benefit of the Borrower. The Series 2012 Bonds were authorized to be issued pursuant to the terms of an Indenture of Trust, dated on or after December 1, 2012 (the “Indenture”), between the City and a trustee to be selected by the Borrower (the “Trustee”). The proceeds derived from the sale of the Series 2012 Bonds were authorized to be loaned to the Borrower pursuant to the terms of a Loan Agreement, dated on or after December 1, 2012 (the “Loan Agreement”), between the City and the Borrower. The proceeds of the loan made pursuant to the terms of the Loan Agreement (the “Series 2012 Loan”) were authorized to be applied to the payment of a portion of the costs of the acquisition, construction, and equipping of the Project and related costs.

4. **SUBSEQUENT DETERMINATION NOT TO ISSUE SERIES 2012 BONDS.** The Series 2012 Bonds were to be issued in calendar-year 2012 and were to be initially secured solely by the invested proceeds of the Series 2012 Bonds until definitive security documents were to be prepared and approved for execution and delivery in connection with a remarketing of the Series 2012 Bonds or in connection with a refunding of the Series 2012 Bonds. The remarketing of the Series 2012 Bonds or the refunding of the Series 2012 Bonds was expected to occur in the first quarter of calendar-year 2013. After the adoption and approval of Resolution 2012R-572, a decision was made not to issue the Series 2012 Bonds. The City and the Borrower agreed, instead, that the City would issue definitive bonds for the Project in calendar-year 2013.

5. **APPROVAL OF SERIES 2013 BONDS AND RELATED FINANCING DOCUMENTS.** For the purpose of financing a portion of the costs of the acquisition, construction, and equipping of the Project and related costs, there is hereby authorized the issuance, sale, and delivery of revenue bonds of the City, in an aggregate principal amount of \$6,500,000, for the benefit of the Borrower, to be designated as Multifamily Housing Revenue Bonds (Hi-Lake Limited Partnership Project), Series 2013 (the “Series 2013 Bonds”). The Series 2013 Bonds

are to be issued pursuant to a Trust Indenture, dated on or after March 1, 2013 (the "Trust Indenture"), between the City and the Trustee. The proceeds derived from the sale of the Series 2013 Bonds are to be loaned by the City to the Borrower pursuant to the terms of a Financing Agreement, dated on or after March 1, 2013 (the "Financing Agreement"), between the City, the Trustee, and the Borrower. The Trust Indenture and the Financing Agreement are hereby approved and the Finance Officer is hereby authorized to execute and deliver the Trust Indenture and the Financing Agreement on behalf of the City. All of the provisions of the Trust Indenture and the Financing Agreement, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Trust Indenture and the Financing Agreement shall be substantially in the forms now on file with the City with such necessary and appropriate variations, omissions, and insertions as do not materially change the substance thereof, or as the Finance Officer, in his discretion, shall determine, and the execution and delivery thereof by the Finance Officer shall be conclusive evidence of such determination.

6. LIMITED REVENUE OBLIGATIONS OF THE CITY. The City acknowledges, finds, determines, and declares that the issuance of the Series 2013 Bonds is authorized by the Act and is consistent with the purposes of the Act and that the issuance of the Series 2013 Bonds, and the other actions of the City under the Trust Indenture, the Financing Agreement, and this resolution constitute a public purpose and are in the interests of the City. In authorizing the issuance of the Series 2013 Bonds for the financing of the Project and related costs, the City's purpose is and the effect thereof will be to promote the public welfare of the City and its residents by providing multifamily housing developments for low or moderate income senior residents of the City and otherwise furthering the purposes and policies of the Act. The Series 2013 Bonds will be issued pursuant to the terms of the Trust Indenture and this resolution. The Series 2013 Bonds and the interest on the Series 2013 Bonds: (i) shall be payable solely from the revenues pledged therefor under the Financing Agreement; (ii) shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation; (iii) shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; (iv) shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City's interest in the Financing Agreement; and (v) shall not constitute a general or moral obligation of the City.

7. TERMS OF THE SERIES 2013 BONDS. The City hereby authorizes the Series 2013 Bonds to be issued as "tax-exempt bonds" the interest on which is not includable in gross income for federal and State of Minnesota income tax purposes. The City shall allocate a portion of the annual volume cap within the control of the City to the Series 2013 Bonds pursuant to the terms and conditions of Minnesota Statutes, Chapter 474A, as amended, and Section 146 of the Internal Revenue Code of 1986, as amended (the "Code"). The Series 2013 Bonds, substantially in the forms set forth in the Trust Indenture now on file with the City, are hereby approved with the amendments referenced herein. All of the provisions of the Series 2013 Bonds, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Series 2013 Bonds shall bear interest at the rates, shall be designated, shall be numbered, shall be dated, shall mature, shall be issued in the aggregate principal amount, shall be subject to redemption prior to maturity, shall be in such forms, and shall have such other terms, details, and provisions as are prescribed in the Trust Indenture, with such necessary and appropriate variations, omissions, and insertions (including changes to the aggregate principal amount of the Series 2013 Bonds, the stated maturities of the Series 2013 Bonds, the interest rates on the Series 2013 Bonds, and

the terms of redemption of the Series 2013 Bonds) as the Finance Officer, in his discretion, shall determine.

The Series 2013 Bonds shall not constitute general or moral obligations of the City but shall be special, limited obligations of the City payable solely from the revenues provided by the Borrower pursuant to the terms of the Financing Agreement and from the revenues and security pledged, assigned, and granted pursuant to the Trust Indenture and any other security documents provided by the Borrower to the Trustee. As provided in the Financing Agreement, the Series 2013 Bonds shall not be payable from nor charged upon any funds other than the revenue pledged to their payment, nor shall the City be subject to any liability thereon, except as otherwise provided in this paragraph. No holder of the Series 2013 Bonds shall ever have the right to compel any exercise by the City of any taxing powers of the City to pay the Series 2013 Bonds or the interest or premium thereon, or to enforce payment thereof against any property of the City except the interests of the City in the Financing Agreement and the revenues and assets thereunder, which will be assigned to the Trustee under the terms of the Trust Indenture. The Series 2013 Bonds shall recite that the Series 2013 Bonds are issued pursuant to the Act, and that the Series 2013 Bonds, including interest and premium, if any, thereon, are payable solely from the revenues and assets pledged to the payment thereof, and the Series 2013 Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitations.

8. SECURITY. The City acknowledges and hereby approves the following to be provided as security for the payment of the obligations of the Borrower under the Financing Agreement, and the payment of the principal of, premium, if any, and interest on the Series 2013 Bonds: (i) a Bond Mortgage Note, dated on or after March 1, 2013 (together with all riders and addenda thereto, the "Bond Mortgage Note") delivered to the City, which Bond Mortgage Note shall be endorsed by the City to the Trustee; (ii) a direct-pay Credit Enhancement Agreement, dated on or after March 1, 2013 (the "Credit Facility"), between the Federal Home Loan Mortgage Corporation ("Freddie Mac") and the Trustee which will provide for draws in an amount equal to Guaranteed Payments (as defined in the Trust Indenture) with respect to the Loan; (iii) a Bond Mortgage (as defined in the Trust Indenture), dated on or after March 1, 2013, executed and delivered by the Borrower to the City, which Bond Mortgage will be assigned to the Trustee; (iv) during the construction phase of the Project, a letter of credit to be issued by a letter-of-credit issuer approved by the Borrower and Freddie Mac (the "LOC Provider"); and (v) such other security documents as the Borrower, Freddie Mac, the LOC Provider, and the other parties agree are necessary or appropriate to ensure timely payment of the Loan and the Series 2013 Bonds. All such security documents, if any are delivered, shall be substantially in the forms authorized by the Borrower.

9. THE REGULATORY AGREEMENT. To ensure continuing compliance with certain rental and occupancy restrictions imposed by the Act and Section 142(d) of the Code, and to ensure continuing compliance with certain restrictions imposed by the City, the Finance Officer is hereby authorized and directed to execute and deliver a Regulatory Agreement, dated on or after March 1, 2013 (the "Regulatory Agreement"), between the City, the Borrower, and the Trustee. The Regulatory Agreement shall be substantially in the form now on file with the City which is hereby approved, with such omissions and insertions as do not materially change the substance thereof, or as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determinations. All of the provisions of the Regulatory Agreement, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if

incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof.

10. BOND PURCHASE AGREEMENT. The Finance Officer is hereby designated as the representative of the City with respect to the issuance of the Series 2013 Bonds and the transactions related thereto and is hereby authorized and directed to accept and execute: (a) a Bond Purchase Agreement, to be dated on or after the date of the public offering and pricing of the Series 2013 Bonds (the "Bond Purchase Agreement"), between Piper Jaffray & Co., as underwriter of the Series 2013 Bonds (the "Underwriter"), the City, and the Borrower. All of the provisions of the Bond Purchase Agreement, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Bond Purchase Agreement shall be substantially in the form now on file with the City on the date hereof, and is hereby approved, with such necessary and appropriate variations, omissions, and insertions as are not materially inconsistent with such form as the Finance Officer, in his discretion, shall determine; provided that the execution thereof by the Finance Officer shall be conclusive evidence of such determination.

11. OTHER CITY DOCUMENTS. The Finance Officer is hereby authorized and directed to accept the Bond Mortgage Note. The Finance Officer is hereby authorized and directed to endorse the Bond Mortgage Note to the Trustee, without recourse, for the benefit of the owners of the Series 2013 Bonds. The Finance Officer is hereby authorized and directed to execute and deliver an Intercreditor Agreement, dated on or after March 1, 2013 (the "Intercreditor Agreement"), among the Issuer, the Trustee, Freddie Mac, and the LOC Provider and, when executed and delivered as authorized herein, the Intercreditor Agreement shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Intercreditor Agreement shall be substantially in the form now on file with the City on the date hereof, which is hereby approved, with such necessary variations, omissions, and insertions as are not materially inconsistent with such form and as the Finance Officer, in his discretion, shall determine; provided that the execution thereof by the Finance Officer shall be conclusive evidence of such determination.

The Finance Officer is authorized upon request to furnish certified copies of all proceedings and records of the City relating to the Series 2013 Bonds, and such other affidavits and certificates as may be required to show the facts relating to the Series 2013 Bonds as such facts appear from the books and records in the custody and control of the City; and all such certified copies, certificates, and affidavits, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements contained therein. The Finance Officer is hereby further authorized to execute and deliver, on behalf of the City, all other certificates, instruments, and other written documents that may be requested by Bond Counsel, the Underwriter, the Trustee, Freddie Mac, the LOC Provider, or other persons or entities in conjunction with the issuance of the Series 2013 Bonds and the expenditure of the proceeds of the Series 2013 Bonds. Without imposing any limitations on the scope of the preceding sentence, the Finance Officer is specifically authorized to execute and deliver such other documents and certificates as are necessary or appropriate in connection with the issuance, sale, and delivery of the Series 2013 Bonds, including one or more consents to the assignment of a redevelopment agreement, tax increment revenues, and other funds made available to the Borrower and the Project by the City and Hennepin County; an Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038, with respect to the Series 2013 Bonds; an endorsement to each tax certificate as to arbitrage, rebate, and other federal tax matters

executed and delivered in connection with the issuance of the Series 2013 Bonds, appropriate amendments to the Program for a Multifamily Housing Development (the "Housing Program") prepared with respect to the Project under the terms of the Act, and all other documents and certificates as the Finance Officer shall deem to be necessary or appropriate in connection with the issuance, sale, and delivery of the Series 2013 Bonds. The Finance Officer is hereby further authorized and directed to execute and deliver all other instruments and documents necessary to accomplish the purposes for which the Series 2013 Bonds are to be issued and the Trust Indenture, the Financing Agreement, the Intercreditor Agreement, and the Bond Purchase Agreement are to be executed and delivered. The preparation and filing of Uniform Commercial Code financing statements with respect to the assignment of the interests of the City in the Loan Agreement, the Financing Agreement, the Bond Mortgage Note, and the other loan documents (excluding the Unassigned Rights, as defined in the Trust Indenture), are hereby authorized. The City hereby authorizes Kennedy & Graven, Chartered, as bond counsel to the City ("Bond Counsel"), to prepare, execute, and deliver its approving legal opinions with respect to the Series 2013 Bonds.

12. DISCLOSURE DOCUMENTS. The City shall not participate in the preparation of official statements or other disclosure documents relating to the offer and sale of the Series 2013 Bonds (the "Disclosure Documents"), and will make no independent investigation with respect to the information contained in the Disclosure Documents, including the appendices thereto, and the City assumes no responsibility for the sufficiency, accuracy, or completeness of such information (except for such limited information regarding the City as is approved by the Finance Officer to be included in the Disclosure Documents). The City hereby approves the execution and delivery by the Borrower and the Trustee of a continuing disclosure document, dated on or after March 1, 2013, providing for continuing disclosures by the Borrower in accordance with the provisions of Rule 15c2-12 (17 CFR §240.15c2-12) of the Securities and Exchange Commission issued under the provisions of the Securities Exchange Act of 1934, as amended.

13. SUBSEQUENT AMENDMENTS. On any date subsequent to the date of issuance of the Series 2013 Bonds, the Finance Officer is hereby authorized to execute and deliver any amendments or supplements to any of the documents referred to in this resolution on behalf of the City if, after review by the City Attorney and Bond Counsel, the Finance Officer determines that the execution and delivery of such amendment or supplement is in the interests of the City. The Finance Officer may impose any terms or conditions on his execution and delivery of any such amendment or supplement as the Finance Officer deems appropriate.

14. LIMITATIONS OF LIABILITY. No covenant, stipulation, obligation, or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation, or agreement of any member of the City Council of the City, or any officer, agent, or employee of the City in that person's individual capacity, and neither the City Council of the City nor any officer, agent, or employee executing the Series 2013 Bonds shall be personally liable on the Series 2013 Bonds or be subject to any personal liability or accountability by reason of the issuance thereof. No provision, covenant, or agreement contained in the aforementioned documents, the Series 2013 Bonds, or in any other document relating to the Series 2013 Bonds, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to a general or moral obligation of the City or any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants, and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Financing Agreement, which are to be applied to the payment of the Series 2013 Bonds, as provided therein.

Except as herein otherwise expressly provided, nothing in this resolution or in the aforementioned documents expressed or implied, is intended or shall be construed to confer upon any person or firm or corporation, other than the City, and any holders of the Series 2013 Bonds issued under the provisions of this resolution, any right, remedy or claim, legal or equitable, under and by reason of this resolution or any provisions hereof, this resolution, the aforementioned documents, and all of their provisions being intended to be and being for the sole and exclusive benefit of the City, the Borrower, Freddie Mac, the LOC Provider, the Trustee, and the registered and beneficial owners from time to time of the Series 2013 Bonds issued under the provisions of this resolution.

15. SEVERABILITY. In case any one or more of the provisions of this resolution, other than the provisions limiting the liability of the City, or of the aforementioned documents, or of the Series 2013 Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the Series 2013 Bonds, but this resolution, the aforementioned documents, and the Series 2013 Bonds shall be construed and endorsed as if such illegal or invalid provisions had not been contained therein.

16. VALIDITY OF THE SERIES 2013 BONDS. The Series 2013 Bonds, when executed and delivered, shall contain a recital that they are issued pursuant to the Act, and such recital shall be conclusive evidence of the validity of the Series 2013 Bonds and the regularity of the issuance thereof, and that all acts, conditions, and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Series 2013 Bonds, and to the execution of the aforementioned documents to happen, exist, and be performed precedent to the execution of the aforementioned documents have happened, exist, and have been performed as so required by law.

17. ADDITIONAL ACTIONS. The officers of the City, the City Attorney, Bond Counsel, other attorneys, and other agents or employees of the City are hereby authorized to do all acts and things required of them by or in connection with this resolution, the aforementioned documents, the Series 2013 Bonds, for the full, punctual, and complete performance of all the terms, covenants, and agreements contained in the Series 2013 Bonds, the aforementioned documents, and this resolution.

18. DESIGNATION AS PROGRAM BONDS. The Series 2013 Bonds are hereby designated "Program Bonds" and are determined to be within the "Housing Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 1997R-402 of the City adopted December 12, 1997.

19. FEES AND INDEMNIFICATION. The Borrower has agreed to pay the administrative fees of the City in accordance with the policy and procedures of the City. It is hereby determined that any and all costs incurred by the City in connection with the financing of the Project will be paid by the Borrower. It is understood and agreed by the Borrower that the Borrower shall indemnify the City against all liabilities, losses, damages, costs, and expenses (including attorney's fees and expenses incurred by the City) arising with respect to the Project and the Series 2013 Bonds, as provided for and agreed to by and between the Borrower and the City in the Financing Agreement.

20. CONFIRMATION. Except as amended by the terms of this resolution, Resolution 2012R-572 is hereby confirmed.

21. **EFFECTIVE DATE.** This resolution shall take effect and be in force from and after its approval and publication. Pursuant to Chapter 4, Section 9, of the Charter of the City, only the title of this resolution and a summary of this resolution conforming to Minnesota Statutes, Section 331A.01, subdivision 10, shall be published in the official paper of the City.

Adopted.

W&M/Budget - Your Committee, having under consideration a federal Certified Local Government grant administered through the State Historic Preservation Office of the Minnesota Historical Society, now recommends the proper City officers be authorized to accept grant funds in the amount of \$21,000 to revise the City's survey of historic resources. Further, passage of the accompanying resolution appropriating funds.

Adopted.

RESOLUTION 2013R-105

By Hodges

Amending The 2013 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by:

a) Increasing the appropriation in the Community Planning and Economic Development agency in the Grants Federal Fund (01300-8900420) by \$21,000; and

b) Increasing the revenue source budget (01300-8900420-321009) by \$21,000.

Adopted.

W&M/Budget - Your Committee recommends acceptance of the low bid received on OP No 7743 from BD Construction, LLC, in the amount of \$57,800 to furnish and deliver all labor, materials and incidentals necessary for the MPD 4th Precinct Sanitary Sewer Repair for the Finance/Property Services Department.

Further that the proper City officers be authorized and directed to execute a contract for this project, all in accordance with City specifications.

Adopted.

W&M/Budget - Your Committee recommends acceptance of the low responsive bid received on OP No 7746 from Terra General Contractors in the amount of \$262,262 to furnish and deliver all labor, materials and incidentals necessary for the Phase III Pioneers and Soldiers Memorial Cemetery Fence Project for the Finance/Property Services Department.

Further that the proper City officers be authorized and directed to execute a contract for this project, all in accordance with City specifications.

Adopted.

W&M/Budget - Your Committee recommends acceptance of the single bid received on OP No 7748 from StageRight Corporation in the amount of \$325,000 to furnish and deliver seating risers for the City of Minneapolis Convention Center/Target Center

Further that the proper City officers be authorized and directed to execute a contract for this project, all in accordance with City specifications.

Adopted.

(Republished 4/6/2013)

W&M/Budget - Your Committee, having under consideration appointments to the Capital Long-Range Improvement Committee (CLIC), now recommends the following appointees for terms from January 1, 2013 through December 31, 2014:

Council appointees: Kevin Kelly (Ward 1); Theresa Upton (Ward 3); Silvia Magana (Ward 4); William Gullickson, Jr. (Ward 7); Hetal Dalal (Ward 8); Dan Hammer (Ward 11); and reappointment of Brad Pass (Ward 9); and

Mayoral appointees: Sarah Clarke (Ward 10); and Brittany Lewis (Ward 4).

Adopted.

W&M/Budget - Your Committee, having under consideration the recently established appointed classification of Police Commander, now recommends the following clarifying language be added to the background information regarding the position:

"The title of Police Commander is a sworn title within the Police Department. Persons eligible for appointment are employees holding the rank of sergeant, eligible to test for lieutenant, or higher."

Adopted.

W&M/Budget – Your Committee, having under consideration the re-election of Casey Joe Carl as City Clerk and having held a public hearing thereon, now recommends that Mr. Carl be elected by the City Council for a two year term to expire January 1, 2015.

Adopted.

The ZONING & PLANNING Committee submitted the following report:

Z&P - Your Committee, having under consideration appointments to the Zoning Board of Adjustment, now recommends the following Council appointees for terms from January 1, 2013 through December 31, 2015:

Richard Sandberg (Ward 7 - reappointment); and Eric Johannessen (Ward 9 - new appointment).

Adopted.

MOTIONS

Hodges moved that the regular payrolls for all City employees under City Council jurisdiction for the month of April, 2013, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted.

RESOLUTIONS

Resolution 2013R-106, honoring the Indigenous Mexican Community and Proclaiming Mexica New Year, Ze Kalli, Day in Minneapolis, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-106

**By Johnson, Reich, Gordon, Hofstede, Samuels, Lilligren,
Goodman, Glidden, Schiff, Tuthill, Quincy, Colvin Roy, and Hodges**

Honoring the Indigenous Mexican Community and Proclaiming Mexica New Year, Ze Kalli, Day in Minneapolis.

Whereas, the Indigenous Mexica peoples, Dakota Oyate people, and other Native Americans of the City of Minneapolis work together in solidarity to preserve, practice, and honor their diverse cultural traditions and ceremonies here in the City of Minneapolis, now and for future generations to come; and

Whereas, outstanding Indigenous Mexica women and men contribute to the diversity of the City of Minneapolis and have demonstrated an energetic commitment to reach out to our diverse communities with respect, service, gratitude, and integrity; and

Whereas, this commitment continues to lead to advances in agriculture, science, art, technology, and politics. Further, Indigenous Mexica peoples not only lift up our City, but have contributed gallantly to the defense of our Nation and the protection and preservation of our land, water, and natural environment; and

Whereas, Indigenous Mexica people are proud residents of the City of Minneapolis. Their children are enrolled in the Minneapolis Public Schools and continue on to the City's various places of higher education opportunity. Further, Indigenous Mexican Youth exhibit an eminent pride in our American heritage, a passionate love of family, a profound devotion to community, and drive to lead our City to new heights of service through scholarship; and

Whereas, these youth who attend, volunteer and dance at the Ze Kalli Celebration are "DREAMers," and have embraced American life in Minneapolis. The discipline of these danza groups, which focus on passing on Indigenous Mexica ancestral knowledge, has played an instrumental role in closing the achievement gap and successfully reaching a 100% graduation rate amongst Ze Kalli youth; and

Whereas, other members of the Indigenous Mexica community are contributing to the vibrancy of the City through entrepreneurial ventures, revitalizing the City by opening businesses and services in central commercial areas like Lake Street and Central Avenue; and

Whereas, Kalpulli Yaocenoxtli, a collective of families committed to teaching the traditions, history, and art of dance of the Mexica (or Aztec) culture, is committed to providing life-long learning opportunities here in the community, adding to the rich diversity of the City of Minneapolis. Further, Kalpulli Yaocenoxtli is dedicated in their work to advance harmony with other Kalpullis and Mexica Aztec dance groups by celebrating and honoring together the observance of the Mexica New Year; and

Whereas, Indigenous Mexica people have formed many danza groups across the City which hold other important ceremonial celebrations/events at Churches and parks in Minneapolis. The danza groups celebrate annually Día De San Pablo (Day of St. Peter and St. Paul) at Sagrado Corazon de Jesus Church located on Pleasant Ave, and the Chalchiutlicue Ceremony at Powderhorn Park; and

Whereas, in the year 2013, The year Matlakyei Tekpatl (13 Flint Stone) comes to an end and the beginning of the year Ze Kalli (1 Kalli). The Mexica New Year will occur on March 12th, between 12:38 a.m. and 12:46 a.m. This New Year also completes a series of larger cycles, beginning the next tlalpili cycle of 13 years with the essence of Kalli- a time of setting strong foundations and structure;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Mayor and City Council recognizes the richness and diversity of the Indigenous Mexican Community and Honors the Mexica New Year, Ze Kalli, in the City of Minneapolis.

Be It Further Resolved that the City Council declares March 11, 2013 as MEXICA NEW YEAR, ZE KALLI, Day in the City of Minneapolis.

Adopted.

UNFINISHED BUSINESS

Pursuant to notice on February 22, 2013, Glidden moved to introduce the subject matter of an ordinance amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to *Zoning Code: Specific Development Standards*, for first reading and referral to the Zoning & Planning Committee (allowing small scale production artists to utilize industrial equipment in art making processes). Seconded.

Adopted upon a voice vote.

NEW BUSINESS

Gordon gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 8.5, Chapter 167 of the Minneapolis Code of Ordinances relating to *Elections: Municipal Elections: Rules of Conduct* (amending rules of conduct for Municipal Elections in the City of Minneapolis).

Goodman moved to introduce the subject matter of an ordinance amending Title 4, Chapter 74 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Miscellaneous Regulations*, for first reading and referral to the Public Safety, Civil Rights & Health Committee (amending provisions regulating the keeping of honeybees). Seconded.

Adopted upon a voice vote.

Hodges moved to approve the settlement in the case of *Ted Haraguchi v. Kimberly Erickson and City of Minneapolis* by payment of \$25,000, payable to Ted Haraguchi and his attorneys, Mark C. Vandelist, P.A., from Fund/Org. 06900-1500100-145650, and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

Further, to approve the settlement in the case of *Hennepin County v. City of Minneapolis* by payment of \$50,000 payable to Hennepin County from Fund/Org. 06900-1500100-145650 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement. Seconded.

Adopted.

MARCH 7, 2013

Lilligren moved to adjourn to Room 315 City Hall to consider the matter of *City of Minneapolis v. CenterPoint Energy, Inc.* Seconded.

Adopted upon a voice vote.

Room 315 City Hall

Minneapolis, Minnesota

March 7, 2013 – 10:20 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

Present – Council Members Samuels, Reich, Lilligren, Tuthill, Quincy, Glidden, President Johnson.

Absent - Council Members Goodman, Hodges, Gordon, Hofstede, Schiff, Colvin Roy.

City Attorney Susan Segal stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving *City of Minneapolis v. CenterPoint Energy, Inc.*

At 10:22 a.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent – Goodman, Hodges, Gordon, Hofstede, Schiff, Colvin Roy.

Present – Council Members Goodman (In at 10:24 a.m.), Hodges (In at 10:23 a.m.), Samuels, Reich, Hofstede (In at 10:25 a.m.), Schiff (In at 10:25 a.m.), Lilligren, Colvin Roy (In at 10:23 a.m.), Tuthill, Quincy, Glidden, President Johnson.

Absent – Council Member Gordon.

Also present – Susan Segal, City Attorney; Tim Skarda, Sara Lathrop, and Kristen Sarff, City Attorney's Office; Jennifer O'Rourke, Mayor's Chief of Staff; Heidi Hamilton, Deputy Director, Department of Public Works; Casey Joe Carl, City Clerk; and Jackie Hanson, City Clerk's Office.

Lathrop summarized the matter of *City of Minneapolis v. CenterPoint Energy, Inc.* from 10:23 a.m. to 10:34 a.m.

At 10:34 a.m., Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent – Gordon.

Quincy moved that the City Attorney be authorized to initiate a lawsuit against CenterPoint Energy, Inc. to enforce any of the City's legal or equitable rights or remedies for damages to the City arising from the gas explosion that occurred on March 17, 2011 near 60th St and Nicollet Ave S in Minneapolis, Minnesota. Seconded.

Adopted.

Absent – Gordon.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

MARCH 7, 2013

Lilligren moved to adjourn. Seconded.
Adopted upon a voice vote.
Absent – Gordon.

Casey Joe Carl,
City Clerk

Official Posting: 3/15/2013
Corrections: 4/4/2013; 4/5/2013; 5/6/2013